

## EXHIBIT T

Special Master's Hearing May 29, 2014

\*\*\* Telephonic \*\*\*

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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

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4 DANIEL SMALL; CAROLYN SMALL; )  
5 WILLIAM CURTIN; DAVID COHEN; )  
6 LANETTE LAWRENCE; and LOUISE )  
7 COLLARD, individually, and on )  
8 Behalf of All Other Persons )  
9 Similarly Situated, )

10 Plaintiffs, )

11 vs. )

12 UNIVERSITY MEDICAL CENTER OF )

13 SOUTHERN NEVADA, )

14 Defendant. )

15 )

16 )

17 )

18 )

19 REPORTER'S TRANSCRIPT OF SPECIAL MASTER'S HEARING

20 HEARD TELEPHONICALLY

21 BEFORE SPECIAL MASTER PRESIDING, DANIEL GARRIE, ESQ.

22 Taken on Thursday, May 29, 2014

23 At 2:05 p.m.

24 At Lewis, Brisbois, Bisgaard & Smith, LLP

25 6385 South Rainbow Boulevard, Suite 600

Las Vegas, Nevada

23

24

25 REPORTED BY: CINDY MAGNUSSEN, RPR, CCR NO. 650

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CASE NO.  
2:13-cv-0298-APG-PAL

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1 APPEARANCES:

2 For Plaintiffs: (Present Telephonically)

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12 For Defendant:

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Also Present: (Present Telephonically)

19

Joe Edmondson, UMC ESI Vendor  
Doug Forrest, Esq., ILS  
Bruce Pixley, ESI Expert  
Dean Schaibley, UMC Network Security Analyst  
Michael Mann

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EXHIBITS

24

(None Offered)

25

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1 contained on that server? Or did I order counsel --  
2 actually, counsel for UMC, I believe that I ordered you  
3 to provide me a written letter explaining to me what is  
4 stored on this server. Is that not correct?

5 MS. FOLEY: Yes. This is Counsel Foley.  
6 You asked for a letter explaining what this drive is,  
7 what is -- what it holds or did hold.

8 SPECIAL MASTER GARRIE: Yeah. What it  
9 did hold, what it holds, and the dates upon which it  
10 was collected from.

11 MS. FOLEY: Thank you.

12 SPECIAL MASTER GARRIE: Now, I am going  
13 to touch on the DOL spreadsheet issue with much  
14 reservation.

15 Counsel for UMC, I need to understand  
16 something. Counsel for plaintiffs have repeatedly said  
17 that they have not received the Bates stamped  
18 spreadsheets. And you have repeatedly said you have  
19 provided them Bates stamped spreadsheets.

20 Am I missing something?

21 MS. WITTY: This is Counsel Witty. This  
22 unfortunately was a miscommunication with regards to  
23 what had previously been produced and what is our  
24 obligation to continue to produce.

25 Previously UMC had produced spreadsheets that

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1 were created by UMC and produced and, excuse me,  
2 provided to the Department of Labor during the  
3 investigation with regards to calculated damages  
4 proposed during the DOL investigation. Those were  
5 provided both in a previous production and again  
6 electronically in my e-mail.

7           However, after the testimony of Ms. Panzeri at  
8 the beginning of this month, at the special master's  
9 direction, we went back and collected specifically the  
10 folder on the payroll Q drive, which Ms. Panzeri has  
11 access to, and we located spreadsheets that were  
12 produced earlier in the investigation, and those are  
13 being produced.

14           SPECIAL MASTER GARRIE: Again? Or have  
15 they not been produced before?

16           MS. WITTY: Those have not been produced  
17 previously.

18           SPECIAL MASTER GARRIE: Okay.

19           MS. FOLEY: To clarify, this is  
20 Counsel Foley, they were produced to the DOL by  
21 Ms. Panzeri; is that correct?

22           Yes. Sorry. I don't mean to ask.

23           MS. WITTY: For clarification, this is  
24 Counsel Witty, these were spreadsheets that were  
25 created and provided to the Department of Labor in

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1 March of 2012. They are now being produced.

2 SPECIAL MASTER GARRIE: But they are  
3 electronic documents. Right?

4 MS. WITTY: Correct.

5 SPECIAL MASTER GARRIE: Okay.

6 MS. WITTY: They are not responsive --

7 SPECIAL MASTER GARRIE: So do you  
8 have --

9 MS. WITTY: They are not responsive to  
10 the search terms, which is why they -- and they are in  
11 Excel format.

12 So we have had to go outside of the procedure  
13 that was in place for the collection of the Q drive to  
14 make sure that they are produced. That is why the  
15 electronic copies have not been produced in accordance  
16 with the ESI protocol order.

17 So that plaintiffs have the information  
18 contained, we are producing them under the hard copy  
19 format, essentially searchable PDFs, tomorrow. As soon  
20 as feasible, we will produce them in the native  
21 electronic format in accordance with the ESI protocol.

22 SPECIAL MASTER GARRIE: Okay. Now,  
23 why -- first off, do we agree that they are relevant  
24 documents and responses?

25 MS. WITTY: This is Counsel Witty. We

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1 REPORTER'S CERTIFICATE

2

3 STATE OF NEVADA )  
4 ) SS  
5 COUNTY OF CLARK )

6

7 I, CINDY MAGNUSSEN, CERTIFIED COURT REPORTER,  
8 HEREBY CERTIFY THAT I TOOK DOWN IN STENOGRAPHY ALL OF THE  
9 PROCEEDINGS HAD IN THE BEFORE-ENTITLED MATTER AT THE TIME  
10 AND PLACE INDICATED, AND THAT THEREAFTER SAID STENOGRAPHY  
11 NOTES WERE TRANSCRIBED INTO TYPEWRITING AT AND UNDER MY  
12 SUPERVISION.

13

14 THAT THE FOREGOING TRANSCRIPT CONSTITUTES A FULL,  
15 TRUE AND ACCURATE RECORD OF THE PROCEEDINGS HAD.

16 I FURTHER CERTIFY THAT I AM NOT A RELATIVE OR  
17 EMPLOYEE OF COUNSEL OR ANY OF THE PARTIES, NOR A RELATIVE OR  
18 EMPLOYEE OF THE PARTIES INVOLVED IN SAID ACTION, NOR A  
19 PERSON FINANCIALLY INTERESTED IN THE ACTION.

20

21 IN WITNESS WHEREOF, I HEREBY SUBSCRIBE MY NAME  
22 ON JUNE 6, 2014, AT LAS VEGAS, NEVADA.

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24

  
CINDY MAGNUSSEN, RPR, CCR NO. 650

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